IN THE CLAIMS:

Cancel Claim 22 without prejudice.

Amend Claims 19 and 23-24 to read as follows:

19. (once amended) A method of treating an angiogenic disease comprising administering to an animal suffering from such a disease an amount of a plasminogen activator effective to convert plasminogen to plasmin and optionally an amount of a sulfhydryl donor effective to cause the conversion of plasmin to angiostatin.

23. (once amended) The method of Claim 19 wherein the plasminogen activator is selected from the group consisting of urokinase, streptokinase and tissue plasminogen activator.

24. (once amended) The method of Claim 19 wherein an effective amount of plasminogen is also administered to the animal.

REMARKS

Claim 22 has been canceled without prejudice. Claim 19 and Claims 23-24 have been amended. The amendments are fully supported by the specification and do not constitute new subject matter as defined in 35 U.S.C. § 132. Claims 1-21 and Claims 23-75, therefore, will be pending upon entry of the instant amendment. A marked-up version of the claims amended herein indicating the deletion and addition of matter by bracketing and underlining, respectively, is attached hereto as Exhibit A. A copy of the claims that will be pending upon entry of the instant amendment is attached hereto as Exhibit B.

Applicant respectfully requests that the amendments made herein be entered into the file of the above-identified application and that the remarks be fully considered.

1. Election/Restriction Requirement

The Office Action requires the Applicant to make an election of a single disclosed group for prosecution on the merits to which the claims of the application shall be restricted to a single group selected from groups I - XXII. In addition, the Examiner requires

a further election of species upon the election of any of groups I, III, IV, V, VI, IX, and X which would be restricted to: (1) cysteine, (2) N-acetyl cysteine, (3) captopril, (4) D-penicillamine and (5) reduced glutathione. In addition, upon election of groups I, V, VI, VIII, IX, and XX, election of the following species of the claimed invention is also required: (1) urokinase, (2) streptokinase and (3) tissue plasminogen activator. The Applicant respectfully traverses the restriction/election requirement for the following reasons.

According to MPEP § 803 if a search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims that are independent or distinct inventions. With regard to Groups IV and V the Applicant believes that these groups should be combined since both are classified in class 514, subclass 2 and there is no serious burden on the Examiner. In addition, Groups IV and V are not independent and patentably distinct inventions as defined by MPEP § 802.01. Therefore, the Applicant respectfully requests the Examiner to combine Groups IV and V into a single group.

Similarly, with respect to Groups XXI and XXII, the Applicant requests that such Groups be combined into a single group since the claims in these Groups were essentially copied from U.S. Patent No. 6,024,688 and were not previously restricted by the U.S.P.T.O. Also Groups XXI and XXII are both classified in class 514, subclass 2 and there is no serious burden on the Examiner; nor are they independent and patentably distinct inventions. Therefore, the Applicant respectfully requests the Examiner to combine Groups XXI and XXII into a single group.

Since Claim 22 was canceled and Claims 19, 23, and 24 have been amended, the Applicant believes that the Examiner would consider Claims 19-21 and 23-24, as amended, to be categorized under Group V which is directed towards a method of treating an angiogenic disease by administering an amount of a plasminogen activator effective to convert plasminogen to plasmin and optionally an amount of a sulfhydryl donor effective to cause the conversion of plasmin to angiostatin. Thus, Applicant elects Group V (which Applicant believes to be represented by Claims 19-21 and 23-24, as amended herein).

With respect to the Examiner's requirement of a further election of species selected from cysteine, N-acetyl cysteine, captopril, D-penicillamine, and reduced glutathione, the Applicant respectfully traverses because these compounds are linked by a generic claim (Claim19) which links a reasonable number of species. (37 C.F.R. § 1.141(a); MPEP § 809.03). Nonetheless, the Applicant provisionally elects captopril in the event that the generic claim is not allowed.

With respect to the Examiner's requirement of a further election of species selected from urokinase, streptokinase, and tissue plasminogen activator, the Applicant respectfully traverses because these compounds are linked by a generic claim (Claim19) which links a reasonable number of species. (37 C.F.R. § 1.141(a); MPEP § 809.03). In the event that the generic claim is not allowed, however, the Applicant provisionally elects tissue plasminogen activator.

CONCLUSION

In conclusion, Applicant respectfully traverses the election/restriction requirement of the claims in Groups IV & V and of the claims in Groups XXI and XXII as well as the requirement to elect a sulfhydryl donor species and a plasminogen activator species. The Applicant elects to prosecute Claims 19-21 and 23-24 which the Applicant believes the Examiner would assign to Group V. No fee, other than that for the extension of time is believed due for the filing of this response. Should any fees be required, however, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150. Entry of the foregoing remarks and amendments is respectfully requested. Applicant believes the claims to be in condition for allowance. An early allowance is earnestly sought.

Respectfully submitted,

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Enclosures

EXHIBIT A
MARKED VERSION OF THE CLAIMS
U.S. PATENT APPLICATION NO. 09/500,397

Matter that has been deleted from the claims is indicated by brackets and matter that has been added is indicated by underlining:

--19. (once amended) A method of treating an angiogenic disease comprising administering to an animal suffering from such a disease an amount of a plasminogen activator effective to convert plasminogen to plasmin and optionally an amount of a sulfhydryl donor effective to cause the conversion of plasmin to angiostatin.

23. (once amended) The method of Claim 19 [22] wherein the plasminogen activator is selected from the group consisting of urokinase, streptokinase and tissue plasminogen activator.

24. (once amended) The method of Claim 19 [22] wherein an effective amount of plasminogen is also administered to the animal.--

EXHIBIT B
THE CLAIMS WHICH WILL BE PENDING
UPON ENTRY OF THE PRESENT AMENDMENT
(Filed November 21, 2001)
U.S. PATENT APPLICATION NO. 09/500,397

19. A method of treating an angiogenic disease comprising administering to an animal suffering from such a disease an amount of a plasminogen activator effective to convert plasminogen to plasmin and optionally an amount of a sulfhydryl donor effective to cause the conversion of plasmin to angiostatin.

20. The method of Claim 19 wherein the sulfhydryl donor is selected from the group consisting of cysteine, N-acetyl cysteine, captopril, D-penicillamine and reduced glutathione.

21. The method of Claim 19 wherein an effective amount of plasmin is also administered to the animal.

23. The method of Claim 19 wherein the plasminogen activator is selected from the group consisting of urokinase, streptokinase and tissue plasminogen activator.

24. The method of Claim 19 wherein an effective amount of plasminogen is also administered to the animal.